LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
First Session — Fourteenth Legislature
23rd Day

Tuesday, March 13, 1961.

The House met at 2:30 o'clock p.m.

On the Orders of the Day:

ANNOUNCEMENT RE BOWLING

Hon. C.C. Williams (Minister of Labour and Telephones): — Mr. Speaker, before the Orders of the Day, I would like to announce that on Saturday the bowling team from the Cabinet, beat the Mayor and the Aldermen very badly down at the Vic Alleys. They were supposedly playing for the Broad Street Bridge, but now that they won it I don't know just what the Cabinet is going to do with it. They did beat them very badly I understand, and I would like to give the credit to Mr. Nollet, Mr. Erb, Mr. Willis, Mr. Kuziak and Mr. Turnbull, together with the spare they had, the Member from Wadena.

STATEMENT RE VEHICLE LICENSES

Hon. W.S. Lloyd (Provincial Treasurer): — Mr. Speaker, before the Orders of the Day, on Thursday of last week the hon. Leader of the Opposition raised the question with regard to the non-acceptance of cash from persons who were purchasing their vehicle licenses. I'll make just one or two remarks to begin with that the procedure followed this year is not a new procedure, but is the procedure which has been in effect for a number of years. The problem is that according to the Vehicles Act we are restricted from actually selling vehicle licenses until March 15th. Since the new licenses are not required until April 30th, this leaves a reasonable amount of time to purchase licenses. In recent years, to accommodate persons who have sent in their orders by mail in the form of cheque or money order, these have been accepted prior to March 15th and simply held in suspense, and for anyone who appears at the wicket

with a money order or a cheque, this has been accepted also. The problem comes when persons want to pay cash. The accepting of the cash required, of course, that a receipt be given immediately, and the receipt which has been used, is not just a receipt for the money, but is also, in effect, a temporary vehicle license, and of course carries with it some insurance protection, so there is some problem in accepting cash, prior to March 15th. I am of the opinion, however, that a new procedure perhaps can be adopted which would clear the way, by using a different kind of receipt prior to March 15th, and afterwards. This is being investigated. Obviously, however, it is not of sufficient reason this year, when there's only about one day left to change the procedure at this time.

STATEMENT RE HIGHWAY PROGRAM

Hon. C.G. Willis (Minister of Highways): — Mr. Speaker, before the Orders of the Day are proceeded with, I want to complete the announcement I made last Thursday, regarding our highway program. One item was inadvertently omitted from the list, and I'm pleased now to announce, to complete that program, that there will be oiling on No. 56 Highway, from Katepwa to the junction of No. 1. I am sorry there aren't any others which we have omitted, Mr. Speaker, and which I could have the pleasure of announcing now.

STATEMENT RE HOUSE BUSINESS

Premier Douglas: — Mr. Speaker, on Friday, the hon. Leader of the Opposition asked about House business. I thought it would be helpful if I gave some idea of what we propose to do for the week so that Members could plan and prepare their work accordingly.

I thought what we might do would be to concentrate this week on legislation on the days on which the Government business has priority including adjourned debates, second readings, and committee of the whole. Of course, on Tuesdays and Thursday, Private Members' resolutions have priority and the Government has no control of the business of the House until all of those resolutions are disposed of.

It is not our intention to deal with estimates this week unless we were to run out of legislation which is most unlikely. The Deputy Minister of Mineral Resources

has to be out of the province next week, and we would like to take estimates on Wednesday on the Department of Mineral Resources, and if we're not finished, it may be taken sometime Friday. With the exception of that Department, we will not take estimates this week, unless we were to run out of legislation.

Mr. Thatcher: — Mr. Speaker, I wonder if I might direct a question to the Premier. In bringing in these various Bills, in other provinces and at Ottawa, they always have an explanation as to what the purpose of them is. Now, for a layman, the way they're brought in in Saskatchewan makes it pretty difficult to go over them in a hurry. I was just wondering if the Premier would consider following the procedure that is followed elsewhere, and having an explanation of the purpose of these Bills included. I think it would be most helpful to Members on all sides of the House.

Opposition Member: — Makes it speedy too.

Premier Douglas: — I'm not sure that an explanation is what is done, but what they do in Ottawa as my hon. friend knows, is to print on the opposite side of the page the old sections, so that you can contrast it with the new sections. I'm not going to try an explanation of it, because this is pretty risky to try to explain. I would be very glad to discuss this matter and see if something of this sort could be done. I know it's very difficult with a Bill, where you are simply striking out certain words, and you haven't got the Act in front of you. It is confusing. Something could be worked out.

ADJOURNED DEBATES

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Blakeney, that, Bill No. 28 — An Act to amend The Teacher Tenure Act, be now read the second time.

Mr. F. Foley (Turtleford): — Mr. Speaker, on the adjourned debate, I required some information which I now have, and I have no further comment on the Bill.

The question being put, it was agreed to.

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Douglas, that Bill No. 31 – An Act to amend The Legislative Assembly Act – be now read the second time.

Mr. Thatcher (Leader of the Opposition): — Mr. Speaker, I'm not going to hold up this Bill at any length, however, there is one comment I'd like to make pertaining to the new section 23(a) – Leader of the Opposition. Mr. Speaker, I've been around the buildings now for six or eight months. One of the things that I have found most difficult to do effectively is the work that is required of the Leader of the Opposition. The business of government, daily, is becoming more complex. The Government, I think, this year is spending in the neighborhood of $150 million. I suppose if you add the Crown Corporations, they'll be spending another $100 million, or somewhere in there. Our job, and I think people of all political affiliations would agree with this, is to effectively criticize those expenditures.

I find that Bills are coming at you so fast, about forty-five Bills now have been brought into the House, that I haven't even had time to read half of them, let alone absorb them. Committee reports are invariably tabled after the Session goes in. You have to try and study them, then effectively criticize those Departments. All this is time-consuming.

I would remind you, Mr. Speaker, that there are fifteen Government Departments that have Cabinet Ministers, and each of them have his own staff, which he can use as he sees fit. I think it's very important for the people of Saskatchewan, indeed I think it's important for people of all political affiliations, that the Opposition's M.L.A.'s be provided with more research help, so that they can go into these Public Accounts and estimates, in a more comprehensive way. I think I have worked as long hours as anybody perhaps could work, but I admit very frankly that the job is too much for me without getting more help.

The Premier said the other day that I needed more research help. Well maybe I do, and I hope that when this Bill is completed that we will get that research help.

Mr. Speaker, about four months ago, the Government decided to give the Office of the Leader of the Opposition, an allowance of $500. First of all I want to make it very clear, that such an allowance was certainly not made to me personally. It was made to help hire staff. It

doesn't go very far for that purpose, and there are difficulties. I believe that any payment which is made for staff should be paid in the same way as it's paid to the Premier, or to Members of the Cabinet. There's no reason why that money should be coming to me personally. I know I'm going to handle it honestly, but nevertheless, I want to make very certain that there is an annual audit made. I would prefer that any money that is paid to the Office of the Leader of the Opposition be paid in some other manner.

As I say, I believe as the Government spend more and more money each year, if the Opposition is to do an effective, job, we should be given at least one technical research man. I think we should be given additional stenographic help. I think we should be given all the stationery we need. As far as telephone facilities are concerned, I think our office should have precisely the same facilities as the Premier's Office, or the office of Cabinet Ministers. I think it's just ridiculous that because we have an allowance of $500 a month, immediately our telephone bill and our stationery is cut off. That doesn't seem quite fair to me. However, I'll have more to say about this matter when the special committee meets. I would suggest that this Bill be given second reading and then referred to the special committee. But regardless of politics I say again, that I think in the interests of good government, there is a good deal of merit in giving the Opposition Members additional technical help at this time.

Mr. W.J. Berezowsky (Cumberland): — Mr. Speaker concerning the principles of Bill #31, I am not quite certain whether I agree with certain principles, particularly the provision outlined in 2(1-b) whereby a Member, who is not considered an employee of the Government, but working for the Northern Education Committee, is going to be covered by an exception in the Act. I think that we shouldn't be setting a precedent because it seems to me that every time that we have somebody that is slightly connected somehow or other, even in a distant way, with the business of government, then we will have to protect such a person in this way. It shouldn't be necessary, and the reason I say that is because I was one of the people who brought out this point in a debate, and I can think of only one person in this House, who could possibly be affected by this amendment to this Bill, and I was assured at that time by hon. Members opposite that it did not pertain to him. I am just wondering if we should proceed with that particular section, though I

might say, I'm not opposed to having second reading to it at this time. Probably we could discuss it more fully in the Committee.

Mr. Speaker: — I must inform the hon. Members that the Premier is about to close the debate on this motion.

Premier Douglas: — Mr. Speaker, I have only a few words to say, first of all with reference to 2(1-b). I am not sure just what the Member for Cumberland means. I thought I made it clear when I introduced the Bill for second reading that 2(1-b) did refer to a Member of the House. There was some question by the law officers as to whether or not his right to sit in the House, might not be questioned in the courts. Therefore, it is to prevent such a thing happening that this amendment is introduced. I just want to make that clear. It isn't being introduced on a hypothetical basis, but to meet a concrete situation.

Now with reference to 23(a). The questions which the Leader of the Opposition has raised, I don't think really pertain to this particular section, All this section does is to say that whatever amounts are voted by the Legislature for (a) the amount which is paid to the Leader of the Opposition as salary in addition to indemnity, and (b) the amount which is paid for stenographic help, supplies, telephone calls, and such other things, can be accepted by him without in any way voiding his right to sit as a Member of the Legislature.

The amount which is to be paid in either case, can be discussed when the estimates come in. As I explained on second reading, when the Leader of the Opposition approached me and my colleagues regarding the matter of additional services, we agreed at that time to supply him with additional services, and I don't know whether this is the place to go into it or not, but we felt that after considering all aspects of it, that it was much better to pay a lump sum, than to have somebody in the civil service process all his accounts. There is always the problem particularly when the House isn't sitting, and you have ten months in the year in which a Member is usually putting in long distance calls, of determining to what extent they are personal calls or calls which have to do with political activities, and to what extent they are business calls, pertaining to his office as Leader of the Opposition. There is always the problem as to what rate of salary should be paid. Should a

secretary be a Grade 3, clerk, or qualified as a grade 2. You can enter into endless discussions on this. It seemed to us, that this arrangement would occasion a good deal less opportunity for controversy or difference of opinion. We have simply said, here's a set sum of money which will be made available to the Leader of the Opposition, and we agreed at that time on $6,000 a year, to be paid at the rate of $500 a month. The adequacy or inadequacy of the amount can be discussed when the estimates come up. But, it seemed to us this was a sound principle, rather than trying to provide services and having to supervise those services.

As matters stand now, for instance, if a Minister has a secretary or someone in his office, the Treasury Board through the Budget Bureau reserves the right to go in and say, "How many letters is this girl doing a week?" "What is her average output?" and decide whether or not they need that much staff. It can be cut down. It can be determined whether or not they need a higher grade secretary. Probably someone who is merely a Steno can do this kind of work. We reserve the right to do this among the Ministers and Departments, and of course, Ministers have to accept this. But I wouldn't want us to have to do this with the Leader of the Opposition. I think it would be a very bad principle for the Budget Bureau to come into his office and say, "You've got one secretary here, or you've got two and we'd like to see the work load and see whether or not you really need two, maybe you can get along with one full-time and one part-time." This could lead to all kinds of friction, so this is the reason that we suggest a lump sum. I think it's a sound principle. As to the amount, of course, that is something which can be discussed in Committee of Supply.

With reference to other services, which might be supplied directly, and not through grants, that of course, is something which I believe Your Honour, and some Members of the House are discussing in a separate committee.

The question being put it was agreed to.

SECOND READING

Bill No. 33 – An Act to amend The Forest Act, 1959.

Hon. Mr. Kuziak (Minister of Natural Resources): —

Mr. Speaker, this is an amendment that is brought in in every Session. It's actually an amendment to the schedule of the Forest Act, wherein there are some lands taken out of the Provincial Forests, and turned over to Agriculture, or probably agricultural lands from the Lands Branch go back into the forest area. You will have the opportunity of looking over the details in Committee, therefore, I would move second reading of this Bill.

The question being put, it was agreed to.

Bill No. 35 – An Act to amend The Saskatchewan Loans Act

Hon. Mr. Lloyd (Provincial Treasurer): — Mr. Speaker the amendment to the Saskatchewan Loans Act, is necessary because of the recent Saskatchewan Savings Bonds loans. Hon. Members, may recall that we decided that there would be a premium payable on maturity for those who held them for that length of time. There was some question as to whether the Loans Act gave us authority to pay such a premium, and this amendment is to make clear that we do have such authority.

While I'm on my feet, Mr. Speaker, and speaking about the Saskatchewan Savings Bonds loan, Members of the House may be interested in knowing that the totals to date, this is not the final calculations, are for $11,839,000.

I move second reading of the Bill.

The question being put, it was agreed to.

Bill No. 36 – An Act to amend the Child Welfare Act

Hon. A.M. Nicholson (Minister of Social Welfare and Rehabilitation): — Mr. Speaker, I wish to propose amendments to the Child Welfare Act. These are designed for the purpose of clarifying existing legislation, and to give specific authority to departmental policy which had been implemented under the general provisions of the Act. With reference to Section 30, subsection 1, I wish to propose an amendment to make it explicit that the Minister is responsible for sheltering, supporting, and educating children permanently committed into his care, until such children reach 21 years of age.

This amendment is proposed for the purpose of removing any doubt that the Minister is responsible for the care of these children until they reach 21 years of age. Fortified by the definition of "child" in the Act, I would point out that it was the intention when the Act was drafted, that only children under 16 could be committed, but once having been committed, responsibility should extend to 21 years. This amendment is being proposed to give firm effect to that intention, and give legislative authority to departmental policy.

I am proposing section 33(a), in order to give the Director of Child Welfare the right to enter into contracts to subsidize foster homes, or institutions caring for children, committed into the care and custody of the Minister. The need to subsidize homes or institutions arises from the fact that it is often difficult to place certain children, possibly seriously disturbed children, in suitable homes, or institutions at the regular board rates. In order that suitable placements can be made for these children, a subsidy is necessary. It has been departmental policy to pay such subsidy when necessary, under the general provision of the Act. The section is proposed to give more specific authority for this policy.

I am proposing Section 33(a), in order to give the Director of Child Welfare power to enter into contracts with any child-caring agency, either inside or outside Saskatchewan, to provide for the education, maintenance, and shelter of children committed into the care and custody of the Minister. Sometimes children require treatment and care, which is not available in Saskatchewan. The inter-provincial agreements for the care of children who must be placed in another province are an aspect of the situation. These contracts, similar to other aspects of child welfare which I have mentioned, have in the past been entered into by the Director under the general authority of the Act. We feel that the power to do so should be specifically set out in the Act.

I am proposing an amendment to section 68, subsection 1, in order to remove the limitation clause from the Act, which requires that persons applying to adopt a child must reside in Saskatchewan for a period of one year immediately preceding the date of application. This clause has resulted in a hardship in many cases. An illustration is in the fact that many persons require to move frequently because of the nature of their employment. We currently have many people in this category in this province, in connection with the Saskatchewan River Dam, and the Squaw Rapids Development. Considerable

hardship can result when such people have a child from another jurisdiction, and move to this province before the adoption is completed, that is while it's still in its probation year. The child may have been with the couple for the better part of the year, but under the present Act, they cannot apply for adoption until they have lived in Saskatchewan a year. The amendment I am proposing will remove the one year's residence qualification, and will mean that a couple must be living in Saskatchewan when applying to adopt a child.

I am proposing that section 79 subsection 1 be amended so that an appeal under part 2 of the Act, can be treated like an appeal from an order made in Chambers. For clarification, I would say that although this was intended, the wording used in the present section, indicates that the appeal is from a judgment made by the District Court. This amendment is, therefore, proposed to describe the appropriate procedure to be used in appeals. I must add that we have in the past treated appeals as though they were from orders made in Chambers, despite the confusion in wording in that section.

The final amendment I wish to propose is a new section following the heading over section 135. This is proposed so that there will be assurance that there will be an end to litigation when orders of committal and adoption are made under the Act. At the present time it is possible to attack these orders years after the date they were made, if there is some defect in the proceedings. Under the new section, I am proposing no action or proceedings to set aside an order of committal or an order of adoption shall be commenced after the expiration of one year from the date of the order, except on the grounds that the order was procured by fraud, and then it may be set aside only if it is in the best interests of the child.

The question being put, it was agreed to.

Bill No. 37 – An Act to amend The Deserted Wives' and Children's Maintenance Act

Hon. Mr. Nicholson: — Mr. Speaker, I wish to propose certain amendments to section 31 of the Deserted Wives' and Children's Maintenance Act. I am proposing an amendment to subsection 1, in order that the judge appealed to may have the discretion to dispense with the necessity of filing the transcript of evidence. The cost of the transcript varies, depending on the length of the first trial, but it can be very

expensive, and particularly so in view of the fact that an appeal can be frequently be disposed of on a point of law. In such cases there is no need for a transcript. The cost may be a burden on the appellant and it may be an undue hardship if there is no real need for it. An amendment to subsection 2 is proposed in order that our Act will conform with the last amendment to the Rules of Court, dealing with costs. At the time the Deserted Wives' and Children's Maintenance Act was enacted there was only one scale of costs in District Court. This has been altered and there are now alternative columns under which costs in an action can be taxed.

The amendment that I am proposing read in conjunction with the Rules of Court, relates this section of our Act to the appropriate column, being column 2, unless the judge deems it advisable to order otherwise, which means that the judge can choose a different column, or decline to make an order for costs.

Subsection 3, which I am proposing has been introduced to give the judge appealed to authority to order the husband to pay interim support for the wife and children, if any, during the period the appeal is being taken. There are three particular situations that substantiate the need for this authority. The first is that it can happen that the wife has a very good case to appeal a decision made under the Deserted Wives' and Children's Maintenance Act, but because of financial limitations she is unable to proceed. Secondly, there are cases where the wife wins the appeal, but under the present legislation, even though she has been successful, the judge is unable to make an order for her past maintenance. Thirdly, under section 7 of this Act, authority is given to court, at the original hearing to grant the wife and children interim support until the hearing is disposed of. The new subsection 3 which I am proposing gives these same rights to the wife and children when an appeal is being taken.

Subsection 4 has been added to make it financially possible for a wife to appeal or defend an appeal. I am sure you will agree that if the wife seems to have a reason to appeal, or to defend an appeal, it is unjust that she be hindered in so doing for financial reasons. I therefore propose that this subsection be added whereby the judge at this discretion may make an order for payment of or security for the wife's costs incurred in making or defending an appeal.

I move second reading of this Bill.

Mrs. Mary J. Batten (Humboldt): — Mr. Speaker, I certainly agree with provisions giving the judge discretion as to costs, and giving him the right to order security for costs. I think this is very important and this has been a weakness in the Act. He is only able to do it under the provisions of the rules which were limited. On the other hand, I'm very dubious about the value of the changes of section 31, which give a discretion to the Queen's Bench Judge, in cases of Appeal as to the type of evidence he will hear. This might be quite satisfactory where both the parties live in the city of Regina, or the city of Saskatoon, or the city of Moose Jaw, and it is comparatively inexpensive for them to come in to the court of appeal, in this case the Court of Queen's Bench, and receive these directions, but I can assure you, Mr. Speaker, that in cases where they have to travel long distances to get to the Court of Queen's Bench, to a Chamber application, this imposes quite a hardship on both parties. It gives such a discretion that unless they appear two or three times before the hearing, they have no knowledge at the time that they take up the right of appeal, whether they are going to appear on a trial de novo, and have to bring in their witnesses and give evidence; whether they are going to have to fight this case by affidavit evidence, or whether they have to requisition the transcript of evidence.

Now, Mr. Speaker, I find it difficult to understand the reasoning leading up to this, because either the idea is to let the applicant have a new chance to get a new judgment, or the idea is to appeal on the evidence that has already been presented. If the idea is to allow another judge to exercise his discretion on the basis of the evidence that has already been presented to the lower court, then of course, a transcript of evidence is necessary. I don't know how you can have an appeal any other way. Under the provisions of The Deserted Wives' and Children's Maintenance Act, either the wife or the husband, who ever loses the case so to speak, can always apply for a varying of the order, and sometimes this appeal is used only for that purpose. I can't see the use of bringing new evidence to the court of appeal, because after you have presented your case to the lower court (suppose you are acting for the wife and you are presenting your case) and you have done all you can, presented all the evidence, probably spent three days in court going through the hearing and going through the evidence, and then all of a sudden the husband decides to appeal to the Court of Queen's Bench, you find that you have to travel to Saskatoon or Regina

for the hearing. You have to appear there with the wife, because you don't know what the judge is going to order, whether he is going to order a transcript or whether he is going to suggest that he rehear the whole case, or whether he is going to ask for affidavit evidence, so you appear, you are unprepared, and almost inevitably somebody is going to ask for an adjournment, and that means that you have another trip to make to decide what kind of evidence he is going to ask.

I don't think this is necessary, Mr. Speaker. I think that in cases of Deserted Wives' Act you should have just the ordinary proceedings of appeal. You have a transcript, and if the lower court judge made an error, well then the judgment is changed. If he didn't make an error, but there is new evidence forthcoming, then the applicant has a chance to go to the same court with his additional evidence and make an application to vary the first order. This isn't a case which is decided once and for all; this is a case where every time new circumstances result, and new facts come out, the wife starts earning money, or the husband loses his money, or anything of that sort comes out, then you can come back to the lower court, close to the people, and have what, in essence is, a re-hearing.

I am afraid that with this type of legislation, what we are going to have is; if somebody is dissatisfied with the judgment of the lower court, instead of bringing in new evidence or moving to vary, they are simply going to go to the court of appeal and then bring in new evidence, and we have a whole new case. I don't think that this should be the intention of the legislation. I think that we should try and keep these cases, especially a thing like this, close to the people affected. Keep it in the lower courts as much as possible, except where there was really a genuine and bona fide need to appeal, and to have a re-hearing, and where there is that need, well, then of course, I think it is basic that you should have a transcript of the evidence in spite of the fact that it is expensive.

With these provisions that we are putting in the Act now, where the husbands can be compelled to pay the wives' costs, I don't think that the transcript of evidence is going to be such an important or expensive item, that people will not be able to make an application for appeal where necessary. Therefore, I can't be in favor of the change in subsection 1.

Mr. Speaker: — I must draw to the attention of the hon. Members that the hon. Minister, as the mover of this motion, is about to conclude the debate.

Hon. A.M. Nicholson (Minister of Social Welfare & Rehabilitation): — Mr. Speaker, I must thank the hon. Member for Humboldt, for her remarks. It would appear to me that this is a matter that we might discuss in Committee. The hon. Member has had a great deal more experience in dealing with these problems than I have, but it was represented to me that this does pose a problem for the wives in certain circumstances, and it does give discretionary power to the judge who may have the discretion to dispense with the necessity of filing the transcript of evidence.

As I mentioned before, the cost of the transcript varies depending on the length of the trial, and it may be very expensive, and it was represented to me that there would be circumstances when it might seem to serve the public interest to have this change made, but I will be very glad to give further consideration to the representations made by the hon. Member, and if she wishes to move an amendment when this is before Committee, I will try to have additional information available at that time.

The question being put it was agreed to.

Bill No. 38 – An Act providing for Certain Temporary Changes in the Law respecting Agricultural Leaseholds

Hon. Mr. Walker (Attorney General): — Mr. Speaker, this is an Act to provide for certain temporary changes in the law, respecting agricultural leaseholds. This is one which this Assembly has passed in almost every one of the last ten years. It gives the outgoing tenant the right to re-enter upon the land any time before the end of the crop year, of the then current crop year, to remove any grain which may be threshed on the land. It's routine; we have been doing it every year, and I therefore move that the said Bill be now read a second time, Mr. Speaker.

The question being put it was agreed to.

Bill No. 39 – An Act to amend The Distress Act

Hon. Mr. Walker (Attorney General): — Mr. Speaker, the Distress Act, which is an Act governing the sale of chattels seized under a chattel mortgage or conditional sales agreement, provides the procedure for repossession. The only important change here is set out in Section 3, subsection 1, which includes or adds the following words:

> No vehicle that is used or intended to be used as living quarters and is covered by a lien note, shall be seized and sold except by a sheriff or persons duly authorized by a sheriff for this purpose.

Normally a house trailer was not included and this includes the house trailer so that it cannot be sold by a bailiff or by a vendor repossessing under his chattel mortgage. It can only be repossessed by a sheriff. We think this will give more regularity to the proceedings, and more formality to the proceedings, and that there will be less likely to be improper seizures effected and that it will give some additional protection to the occupants of house trailers that are under chattel mortgage.

Therefore, I move that the Bill be now read a second time, Mr. Speaker.

The question being put it was agreed to.

Bill No. 40 – An Act to amend The Farm Security Act

Hon. Mr. Walker: — Mr. Speaker, the hon. Members will remember that the Farm Security Act provides for it to apply for two or three years in the future, and each year we extend its life by another two or three years. It's proposed in this Bill to extend Section 2, by inserting the words '1961, 1962 and 1963' where 1958, 1959 and 1960 now appear. This section is the one which limits the right of a vendor or a mortgagee of mortgaged lands to one-third of the crop grown on the land.

The other Section 7, which is being amended to extend its expiry date to July 1963, is the one which vests in the Mediation Board, certain power over the homestead, the power to protect the farmer's homestead from foreclosure.

Mr. Speaker, with these words of explanation

I now move that the said Bill be read a second time.

The question being put it was agreed to.

Bill No. 41 – An Act to amend The Conditional Sales Act, 1957

Hon. Mr. Walker: — Mr. Speaker, the significant amendment provided for in this Bill, is the new Section 13(a). 13(a) provides protection for the occupants of house trailers by setting out a procedure which shall be followed in seizures under the Conditional Sales Act. The new Section 13(a) provides that in repossessing, taking possession of a house trailer, the vendor shall give a notice to the occupant of the house trailer, giving him an itemized statement of the amount owing and demanding payment of that amount, and stating that if the amount is not paid within a certain time after the expiration of thirty days, the trailer may be repossessed. This is the only important principle involved in the legislation.

I might say that some cases have come to our notice of house trailers sold under conditional sale agreements, being repossessed on very short notice. The occupants are simply evicted and the trailer hauled away without any real notice at all to the occupant. The Government takes the view that, since we provide very extensive protection for tenants in rented accommodation, for purchasers of real property under an agreement for sale or mortgagors of real property, and since a house trailer is to the person occupying it very similar to a house or to realty, it ought to have more protection than the present, rather informal method of seizure gives.

So, Mr. Speaker, with these words I now move that the said Bill be read a second time.

Mrs. Mary J. Batten (Humboldt): — Mr. Speaker, may I ask the hon. Member a question before he sits down? You are restricting this protection to the trailers that are being occupied as homes, are you? You are just covering all trailers. For instance the hon. Attorney General could have a trailer which he uses for the purpose of pleasure only, and this would apply to that as well. I am just wondering whether there shouldn’t be a restriction to where it is a bona fide home.

Hon. Mr. Walker: — No. The Government would be very glad to consider any limitation on the application of the Act in Committee of the Whole, Mr. Speaker, and we would certainly be ready to entertain any suggestion of that kind.

The question being put it was agreed to.

Bill No. 43 – An Act to amend The Surrogate Court Act, 1960

Hon. Mr. Walker: — Mr. Speaker, this Bill doesn't really call for much explanation, and I should perhaps say what motive and what considerations led the Government to introduce it. Hon. Members will remember that about three years ago some reorganization of the District Court was undertaken, an attempt was made to equalize the amount of judicial work falling upon the shoulders of each member of the District Court. The judges were asked to go on circuit, and equality of work to a large extent was achieved. At that time it was indicated that the reasons for this reorganization was to permit a reduction in the number of judges. The number then was eighteen. The number is now fifteen. It was undertaken then that when a reduction was made some consideration would be given to adjusting the stipend or salary, which the judges receive as Surrogate Court Judges.

I should say that these judges perform their duties under the District Court Act, and under the Surrogate Court Act. The duties which they perform under the District Court Act are compensated by the salary which they receive from the Federal Government, and I'm sorry I can't tell the House exactly what it is, but as I recall it's about $10,800 a year. They receive $1,000 a year under the Surrogate Court Act. As near as we can judge or as near as we can estimate, about one-third of their work is Surrogate Court work. Many years ago they were paid $1,500 a year for their work under the Surrogate Court Act at a time when their salary under the District Court Act was $6,000. The province has perhaps been guilty of unwarranted delay in making this increase, but we are now bringing Saskatchewan into line with the average of the other western provinces. In some cases they get as much as $3,000, and some $2,000 and some $1,000, and some $2,500. This brings Saskatchewan into about a median position with the other provinces. I may say that a further reason for taking this action at this time is that the Government is well

aware of the problem of recruiting judges to the District Court, and is well aware of the fact that judges are underpaid. I'm sure that the House realizes the sacrifice which a lawyer makes, when he gives up an active practice to go on the Bench for a total income of less than $12,000 a year. This will ameliorate that situation slightly, and will put Saskatchewan into the position where it is in the same footing as the other common law provinces.

The increase is merely a fulfillment of an undertaking which the Government made to the Legislature three years ago. We undertook that this would be done when the number of judges was reduced and the work was more equalized among the judges of the court. So, with that explanation, Mr. Speaker, I would now move that the Bill be read a second time.

Mr. W. Ross Thatcher (Leader of the Opposition): — Mr. Speaker, out in the country sometimes it's a bit popular to say that judges are overpaid, or they are already getting too much money. However, this is one time when I find myself in agreement with the Attorney General. I think the increases are certainly due. I know that there are many lawyers who earn substantially more money than some of our judges are earning at the present time. I think if we are to continue getting good judges, we are going to have to pay them higher wages or higher salaries. Therefore, I can go along with this particular amendment wholeheartedly.

The question being put it was agreed to.

Bill No. 44 – An Act to amend The Local Government Board Act

Hon. Mr. Walker (Attorney General): — Mr. Speaker, the Local Government Board, is a board which represents the province to the extent that it attempts to give some supervision and assistance to local authorities in their relationships with the financial world. It represents the local authorities to the extent that it gives them valuable advice and assistance in preparing their by-laws and implementing their by-laws, formulating their debentures and so on. The Local Government Board is very largely supported out of the general tax revenues, and that is the way it should be, but the portion of the cost of maintaining the board which is borne by local authorities has been dropping

throughout the years. It is at least twenty-five years, and I am not sure how much further back than that since the fees of the Local Government Board charged to local authorities have been revised, and it is now proposed to revise this fee and fix an amount which is more realistic in terms of the time involved and the applications which come before it, in terms of the hours which the board spends in serving the interests of local authorities.

The basis of the fee, formerly $5.00 to cities, $3.00 to towns and $1.00 to all other cases, had the virtue of perhaps conforming with the principle of ability to pay, but it did not accord with the principle that the charge should be in relation to the amount of service rendered. I am assured that the Local Government Board, in overseeing the activities of cities, has only a very perfunctory duty to perform. For the most part, their procedures were under the supervision of their solicitor, and their procedures were regularized, and were well understood by the local authorities, and were in fact very simple, and really required a mere formality on the part of the board. On the other hand, however, local authorities small in size, lean very heavily on the board for guidance and assistance. If the fees were to be based upon the amount of time the board spends with the local authorities, then the fee should be perhaps $25.00 for the small units of local government, the rural telephone companies and so on, and perhaps $1.00 for the cities.

I am sure that if the Government came before you with legislation proposing a scale of fees of that order, it would be criticized on the ground that there should be some principle of ability to pay involved in the fixing of these fees. So by fixing a flat fee of $10.00, and giving $25.00 worth of service to the small authorities, and $1.00 worth of service to the cities, the larger municipal authorities, we are recognizing the principle of ability to pay, we are equalizing the burden as between the rich and the poor, and we are simplifying the whole fee structure by substituting one figure for three that appeared before.

I really don’t need to make any apology for the fact that the proposed fee is now about three or four times the average of the old scale fee. The fact is that $10.00 today was probably about equal to what $3.50 was at the time that these fees were adopted, and it is simply recognizing the fact that the fee for rendering this service ought to pay a proportionate share of the increase in cost.

Mr. Speaker, with that explanation I would now move that this Bill be read a second time.

Mr. W. Ross Thatcher (Leader of the Opposition): — Mr. Speaker, I wonder if the Minister would tell the House how much additional revenue he anticipates getting in a year from this amendment.

Mr. Speaker: — I might say at this time, the Minister doesn't have to get up and speak until he closes the debate.

Hon. Mr. Walker: — I take it he was just asking . . .

Mr. Speaker: — If there are any further questions it might be well to have that at this time.

Hon. Mr. Walker: — Well it will produce an additional revenue of about $3,900.

Mr. Speaker: — If you have anything further to say before I put the motion, that would be quite in order, but did you wish to enter into it?

Mrs. Mary J. Batten (Humboldt): — I just had a few words to say. I don't know that this $10.00 fee is going to socialize the country and change the inequality that now exists, but the fee part isn't so important, except that I would like to know if the local government involved agreed to this and thought it was a good thing, but I do think, Mr. Speaker, that in a case of the Local Government Board somewhere or other along the line we should have a statement of the policy and exactly how responsible they are for the advice that they give. There are places where sometimes their OK is taken to mean that the elected body is home free and that they are not responsible to the people that they represent for the decisions they made, because it was okayed by the Local Government Board, and sometimes there is an evasion of responsibility because of that. I think there have been cases where, with the very best of motives, the Local Government Board has perhaps interfered with things that were not in their jurisdiction, and I would like to express the hope, Mr. Speaker, that when we study the problem of reallocation of duties and reorganization, that this matter will be gone into very fully so that people would know exactly what the Local Government Board is supposed to do, what responsibility

it has for the advice it gives, and how far its powers extend. I don't know that the difference in fee is going to make very much difference in the country. I do hope it won't stop people from getting advice and appealing to the board when they should get that type of assistance, because that is the responsibility of the senior government in any event.

The question being put it was agreed to.

Bill No. 45 – An Act to amend The Limitation of Civil Rights Act

Hon. Mr. Walker (Attorney General): — Mr. Speaker, back in 1938 there was a commission set up by the previous government, under the direction of the Hon. T.C. Davis, consisting, as I recall it, of Mr. Justice Martin, to review the propriety of mortgage companies, requiring their debtors to enter into insurance policies on the lives of the debtors with the premium chargeable against the land as part of the mortgage debt. Strong representations were made to that commission that there ought to be legislation prohibiting mortgage companies, particularly when they are also insurance companies, from requiring as a condition of taking a mortgage and granting a loan, that the farmer should take an insurance policy and sign the proceeds of the policy as collateral to the mortgage, and agree that the premiums might be added to the mortgage debt. This was forbidden in Section 12, on The Limitation of Civil Rights Act. This legislation is still on the statute books, and I express no opinion as to whether it is good or bad; it's been there since 1939 or 1940, except with respect to the Canadian Farm Loan Board. The constitutional lawyers take the view that this legislation doesn't apply anyway to an agency of the Federal Government, and that agencies such as the Canadian Farm Loan Board, or the Farm Credit Corporation, are entitled to ignore it in any event, and I think that this view is probably correct, and it is requested by the Farm Loan Board that we recognize that state of the law by spelling it out and by inserting an amendment accordingly in the Act. That is really what this section does; it says that that section will not apply to The Canadian Farm Loan Board mortgages or mortgages by the Farm Credit Corporation.

The other principle involved in the Bill is the

principle that a mortgagor or mortgage debtor cannot be sued on the personal covenant with certain exceptions, and when he mistakenly pays after the foreclosure on the personal covenant, he is entitled to get his money back. It came to the attention of the Department that there were some mortgage companies who were taking chattel mortgages, who were repossessing the goods, and then were pressuring the debtor to pay the difference between the value of the goods recovered and the unpaid balance of the debt. That in some cases the debtor paid this amount without getting legal advice and having paid it there was no way he could get it back. We feel if we provide that the debtor can get back any money that he paid under this mistake of law – that if he pays any money under those circumstances – he is entitled to get it back. Under this Bill he is entitled to sue to get it back. We think that this will prevent anyone from exploiting people in this way, of taking advantage of their ignorance of the law, and that it will stop a practice which is, we think, to be frowned on. There haven't been many cases reported to us where this has happened, but unfortunately there has been a few. Now the debtor who pays the amount which is still owing on the covenant has a way of getting it back. We think that the people who don't know what the law is on it should have the same protection as the people who do know what the law is. We feel that in giving them this right to recover any money which they paid will put a stop to this practice.

With those words of introduction, Mr. Speaker, I move that the said Bill be now read a second time.

Mrs. Mary J. Batten: — May I ask the hon. Member a question, Mr. Speaker. First of all, Section 12, even though amended still covers the Co-operative Trust Corporation does it not? I'm under the impression that they have that proviso where there is insurance assigned to them.

Hon. Mr. Walker: — My advice is that this section does not apply to their situation. They are not being troubled by Section 12. I don't know just the details of their deal but it isn't covered by this section.

Hon. Mr. Blakeney (Minister of Education): — Mr. Speaker, if I may offer a comment on that, I think there is provision in the Act which permits the Co-operative Trust Company to make loans, which specifically provides that they may do this, and as

such it takes them out of the provisions of this Act by special provisions.

Mrs. Batten: — The other question is: under this proposed change to Section 18, if in purchasing some article under a chattel mortgage, you give a promissory note instead of making a cash payment, or you give a cheque that you later stop payment on, will this make it impossible for that money to be recovered if later on you're sued or you pay up your promissory note? Can you then recover that money providing you made the payment after the seizure?

Hon. Mr. Walker: — Well, I would be very glad to look into that and try to advise my hon. friend in Committee, but I would want to consider the facts carefully before advising.

Mrs. Batten: — Mr. Speaker, I move the adjournment of the debate.

The debate was on motion of Mrs. Batten, adjourned.

The Assembly adjourned at 5:30 o'clock p.m.